

THE HONORABLE MARY JO HESTON  
Hearing Date: October 22, 2019 at 1:00PM  
Location: Tacoma, WA  
Response Date: October 8, 2019

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON (TACOMA)**

In re: § Chapter 13  
§  
Orland Wayne Hardie, III and Stacy Leigh § Case No. 19-42719-MJH  
Helmer-Hardie, §  
§  
Debtors. §  
§

**OBJECTION TO CONFIRMATION OF DEBTORS' CHAPTER 13 PLAN**

Planet Home Lending, LLC (the "Creditor"), submits this objection to the Chapter 13 Plan proposed by Debtors, Orland Wayne Hardie, III and Stacy Leigh Helmer-Hardie (the "Debtors").

1. Debtors filed a petition for relief under Chapter 13 of title 11 of the United States Code, 11 U.S.C. §§ 101 et seq. (the "Bankruptcy Code") on August 23, 2019. *See* Docket No. 1.

2. On October 3, 2017, Debtors borrowed the sum of \$392,705.00 from Axia Financial, LLC (the "Original Creditor") pursuant to a Note (the "Note"). *See Exhibit A.*

3. On October 3, 2017, Debtors executed a Deed of Trust (the "Deed of Trust") granting Mortgage Electronic Registration Systems, Inc., as nominee for the Original Creditor, a security interest in real property located at 21515 82<sup>nd</sup> Avenue Court East, Spanaway, WA 98387 (the "Property"). The Deed of Trust was recorded on October 3, 2017, in Pierce County, WA. A copy of the Deed of Trust is attached as **Exhibit B**.

Objection to Confirmation – 1

Nikole Montufar  
Weinstein & Riley, P.S.  
2001 Western Avenue, Suite 400  
Seattle, WA 98121  
Phone: (206) 269 3490

4. The Deed of Trust was later assigned to the Creditor. *See Exhibit C.*

5. Creditor intends to file a secured proof of claim with respect to the Property, before the deadline for filing claims. The pre-petition arrears are approximately \$2,823.98 and the total amount of the claim is approximately \$381,507.00. These amounts will be corrected and finalized under the secured proof of claim.

6. On August 23, 2019, Debtors filed the Chapter 13 Plan (the “Plan”). *See* Docket No. 2. The Plan proposes make ongoing monthly payments in the amount of \$2,800.00 directly to the Creditor. *Id.* The Plan does not provide for the curing of the pre-petition arrears. *Id.*

7. Creditor objects to confirmation of the Plan on the grounds that it does not provide for repayment of pre-petition arrears to cure the default on Creditor's secured claim pursuant to 11 USC §1322(b)(5) of the United States Bankruptcy Code. The Plan should be amended to provide repayment of the pre-petition arrears upon filing of the secured proof of claim.

**WHEREFORE**, Planet Home Lending, LLC respectfully requests that this Honorable Court deny confirmation of the Debtors' Chapter 13 Plan and for such other relief as the Court may deem just and proper.

Dated: October 8, 2019

Respectfully Submitted,

WEINSTEIN &amp; RILEY, P.S.

By: s/ *Nikole Montufar*  
 Nikole Montufar (Bar No. 55028)  
 WEINSTEIN & RILEY, P.S.  
 2001 Western Avenue, Suite 400  
 Seattle, WA 98121

## Objection to Confirmation – 2

Nikole Montufar  
Weinstein & Riley, P.S.  
2001 Western Avenue, Suite 400  
Seattle, WA 98121  
Phone: (206) 269 3490

1 Phone: (206) 438-1029  
2 Fax: (206) 269-3493  
3 Email: NikoleM@w-legal.com  
4 Attorneys for Planet Home Lending, LLC  
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27 Objection to Confirmation – 3  
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Nikole Montufar  
Weinstein & Riley, P.S.  
2001 Western Avenue, Suite 400  
Seattle, WA 98121  
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1 **CERTIFICATE OF SERVICE**

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3 I hereby certify that a true and correct copy of the Objection to Confirmation of Debtors'  
4 Chapter 13 Plan was served on the following parties by electronic service via the Court's ECF  
filing system or by first-class mail on October 8, 2019:

5 Trustee via E-Filing

6 Michael G. Malaier  
ecfcomputer@chapter13tacoma.org

Debtors' Counsel via E-Filing

Ellen Ann Brown  
stopdebt@gmail.com

7 U.S. Trustee via E-Filing

8 United States Trustee  
9 USTPRegion18.SE.ECF@usdoj.gov

10 Debtors via First-Class Mail

11 Orland Wayne Hardie, III and Stacy Leigh  
12 Helmer-Hardie  
21515 82nd Ave Ct E  
Spanaway, WA 98387

16 /s/ Maggie Koo

17 Maggie Koo  
18 Legal Assistant to Nikole Montufar,  
19 Attorney for Planet Home Lending, LLC  
WEINSTEIN & RILEY, P.S.  
20 2001 Western Ave., Suite 400  
Seattle, WA 98121